

contacts w/ foreign service
OLC RECORD COPY

4 October 1978
OLC: 78-3122

MEMORANDUM FOR THE RECORD

SUBJECT: Telephone Conversation with Michael Glennon, Legal Counsel,
Senate Foreign Relations Committee

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1. [] Took a series of phone calls from Mike Glennon concerning various matters related to the Subcommittee on International Operations' investigation of foreign intelligence activities in the U.S.

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2. [] On the matter of sanitization of the transcripts of an interview with an Agency officer conducted by the Subcommittee, Glennon maintained that the Agency was entitled only to a copy of the transcript and that an unexpurgated version should be sent to him immediately. I told Glennon that in our view the transcript was no different than notes he might take himself on interviews with Agency officers, and that the transcript was subject to review and sanitization in accordance with the Memorandum of Understanding between the DCI and the Subcommittee. I told Glennon that it was my personal view that if he insisted upon his position with regard to transcripts, it was doubtful that there would be any further interviews conducted with a transcriber present. This portion of the conversation ended with Glennon maintaining that he was willing to make an "exception" in the interest of harmony and expediting the process of getting the transcript to him. In response, I told Glennon that I wanted to make it absolutely clear that we considered the transcripts to be subject to the Memorandum of Understanding's provisions regarding review and sanitization, and that we would attempt to get them processed and sent to him as soon as possible.

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3. [] We also discussed the matter of storage of the portion of the transcript that would have to be classified Top Secret - Codeword, and we agreed that this would be stored in the Senate Office of Classified National Security Information.

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4. [] Glennon also discussed his desire to resume on-the-record briefings on certain foreign intelligence services next Friday, 13 October. I told Glennon that I could not definitively commit the Agency to resume these briefings without checking higher authorities. Glennon said that the Subcommittee planned to hold hearings on 7 and 9 November and that if we did not go ahead with the interviews, the subject matter would be covered during those hearings.

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5. [] Glennon also discussed the proposal he had made to the Legislative Counsel regarding procedures that might be used when we felt that an individual being interviewed was not qualified to answer a specific question or had other reasons for not wanting to answer a particular question. I told Glennon that it was my view that the best way for him to proceed was to confine his questioning of the briefers to the subject matter of the briefing. I reminded Glennon that the Memorandum of Understanding between the DCI and the Subcommittee called for requests for information to be submitted in writing, and that written requests for a briefing could not be used to open the door to oral requests for information on subjects beyond the scope of the briefing itself. I told Glennon that I could not see any particular merit in the complicated procedure he was describing since the end result was apparently a letter from Subcommittee Chairman George S. McGovern (D., S. Dak.) reiterating the questions that the Agency declined to answer during the briefing. I suggested to Glennon that such a letter was the logical starting point.

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Assistant Legislative Counsel

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Orig-OLC Subject
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